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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 575

Introduced by Assembly Members O'Donnell and Atkins

February 24, 2015

An act to amend Section 33050 of, to amend and repeal Section 44661.5 of, to amend, repeal, and add Sections 44660, 44661, 44662, and 44664 of, to add Sections ~~33050.5~~, 35161.5, 44662.1, 44662.5, 44662.6, 44662.7, and 44672 to, and to repeal and add Article 13 (commencing with Section 44670) of Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, and to amend, repeal, and add Section 17581.6 of the Government Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 575, as amended, O'Donnell. Teachers: best practices teacher evaluation system: school administrator evaluation.

(1) Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate

and assess certificated employee performance on a continuing basis as it reasonably relates to the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

This bill would provide that the provisions described above would become inoperative on July 1, 2018. The bill would state findings and declarations of the Legislature regarding the nature of effective teachers and of the teaching profession. Commencing on July 1, 2018, the bill would require the governing board of each school ~~district~~, *each district and each county board of education*, ~~and the governing body of each charter school~~ *education* to adopt and implement a locally negotiated best practices teacher evaluation system, described as one in which each teacher is evaluated on a continuing basis on the degree to which he or she accomplishes specific objectives and multiple observations of instructional and other professional practices that are conducted by trained evaluators. The bill would authorize the State Board of Education, in consultation with the Superintendent of Public Instruction and appropriate education stakeholder groups, to adopt nonregulatory guidance to support the implementation of a best practices teacher evaluation system by school ~~districts~~, *districts and* county offices of education, ~~and charter schools~~, as specified. The bill would, on or before May 1, 2016, or May 1 of the year that precedes the year in which an existing collective bargaining contract will expire, whichever is later, require the governing board of each school ~~district~~, *each district and each county board of education*, ~~and the governing body of each charter school~~, at a regularly scheduled public hearing, to seek comment on the development and implementation of the best practices teacher evaluation system, and, on or before May 1 of each year before local negotiations required by law, to seek comment on the best practices teacher evaluation system. The bill would require if, by mutual agreement between the school ~~district~~, *district or* county office of education, ~~or charter school~~ *education* and the collective bargaining unit, an intermediate mid-year agreement is reached regarding a best practices teacher evaluation system, the negotiation timeline to allow time for the governing board of the school ~~district~~, *district or* county board of education, ~~or the governing body of the charter school~~

education to hold a public hearing to seek comment on the best practices teacher evaluation system. The bill also would require the governing board of each school district, ~~each district and each county board of education, and the governing body of each charter school~~ *education* to disclose the provisions of the best practices teacher evaluation system at a regularly scheduled public hearing. The bill would also require the governing board of each school district, ~~each district and each county board of education, and the governing body of each charter school~~ *education* to establish and define job responsibilities for certificated, noninstructional employees whose responsibilities cannot be evaluated appropriately under the best practices teacher evaluation system and to evaluate and assess their performance in relation to the fulfillment of those responsibilities. The bill would provide that these provisions do not apply to certificated personnel who are employed on an hourly basis in adult education classes. The bill would also provide that the provisions of the best practices teacher evaluation system do not supersede or invalidate a teacher evaluation system that is locally negotiated and that is in effect at the time the best practices teacher evaluation system becomes operative. By imposing additional duties on school districts, ~~districts and county offices of education, and charter schools~~, this bill would impose a state-mandated local program.

(2) Existing law requires that an evaluation and assessment of the performance of a certificated employee be made on a continuing basis, as provided, including at least every 5 years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, as specified, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

This bill, commencing July 1, 2018, would require the evaluation and assessment of the above personnel at least every 3 years, except as locally negotiated and provided in the best practices teacher evaluation system. The bill would also require county offices of education ~~and charter schools~~ to comply with these provisions. By imposing additional duties on school districts, ~~districts and county offices of education, and charter schools~~, this bill would impose a state-mandated local program.

(3) Existing law authorizes a school district to evaluate a principal annually for the principal's first and 2nd year of employment as a new principal and authorizes additional evaluations, as specified.

This bill would make those provisions inoperative on July 1, 2018, and, commencing July 1, 2018, would instead require the governing

board of each school ~~district, each~~ *district and each* county board of education, ~~and the governing body of each charter school education~~ to establish a system of evaluation for school administrators to guide their growth and performance with the purpose of supporting them as instructional leaders in order to raise pupil achievement. The bill would require the evaluation system to include certain attributes, including, but not limited to, promoting the success of all pupils, advocating and supporting a safe, nurturing school culture that sustains a quality instructional program conducive to pupil learning and staff professional growth, and ensuring the management, organization, and operation of a safe and successful learning environment as evidenced by the establishment of effective practices for personnel and resource management, campus safety, and school climate. The bill would require the governing board of the school ~~district, district and~~ the county board of education, ~~and the governing body of the charter school education~~ to identify who will conduct the evaluation of each school administrator. By imposing additional duties on school ~~district, districts and~~ county ~~office offices~~ of education, ~~and charter school officials~~, the bill would impose a state-mandated local program.

(4) Existing law authorizes the governing board of a school district or a county board of education, as specified, after a public hearing on the matter, to request the state board to waive all or part of any section of the Education Code or any regulation adopted by the state board that implements a provision of the Education Code that may be waived, except for specified provisions.

This bill would add the above-mentioned provisions relating to teacher and school administrator evaluation to the list of provisions that may not be waived.

(5) This bill also would state the intent of the Legislature to provide adequate resources to train evaluators, continue robust beginning teacher induction programs, and support struggling educators.

(6) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district and a community college district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law requires certain funds appropriated in the annual Budget Act for reimbursement of the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, county offices of education,

and charter schools to support specified state-mandated local programs and permits those entities to elect to receive that block grant funding in lieu of claiming mandated costs pursuant to the state claims process.

This bill would, as of July 1, 2018, add the best practices teacher evaluation system and the school administrator evaluation system to the state-mandated local programs supported by the block grant funding.

(7) This bill would update cross-references and would make other nonsubstantive changes.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 33050 of the Education Code, as amended
- 2 by Section 80 of Chapter 755 of the Statutes of 2014, is amended
- 3 to read:
- 4 33050. (a) The governing board of a school district or a county
- 5 board of education, on a districtwide or countywide basis or on
- 6 behalf of one or more of its schools or programs, after a public
- 7 hearing on the matter, may request the state board to waive all or
- 8 part of any section of this code or any regulation adopted by the
- 9 state board that implements a provision of this code that may be
- 10 waived, except:
- 11 (1) Article 1 (commencing with Section 15700) and Article 2
- 12 (commencing with Section 15780) of Chapter 4 of Part 10 of
- 13 Division 1 of Title 1.
- 14 (2) Chapter 6 (commencing with Section 16000) of Part 10 of
- 15 Division 1 of Title 1.
- 16 (3) Chapter 12 (commencing with Section 17000), Chapter 12.5
- 17 (commencing with Section 17070.10), and Chapter 14
- 18 (commencing with Section 17085) of Part 10 of Division 1 of Title
- 19 1.

- 1 (4) Part 13 (commencing with Section 22000), Part 13.5
- 2 (commencing with Section 25900), and Part 14 (commencing with
- 3 Section 26000) of Division 1 of Title 1.
- 4 (5) Section 35735.1.
- 5 (6) Paragraph (8) of subdivision (a) of Section 37220.
- 6 (7) The following provisions of Part 10.5 (commencing with
- 7 Section 17210) of Division 1 of Title 1:
- 8 (A) Chapter 1 (commencing with Section 17210).
- 9 (B) Article 1 (commencing with Section 17251) to Article 6
- 10 (commencing with Section 17365), inclusive, of Chapter 3.
- 11 (C) Sections 17416 to 17429, inclusive; Sections 17459 and
- 12 17462; subdivision (a) of Section 17464; and Sections 17582 to
- 13 17591, inclusive.
- 14 (8) The following provisions of Part 24 (commencing with
- 15 Section 41000) of Division 3.
- 16 (A) Sections 41000 to 41360, inclusive.
- 17 (B) Sections 41420 to 41423, inclusive.
- 18 (C) Sections 41600 to 41863, inclusive.
- 19 (D) Sections 41930 to 42850, inclusive.
- 20 (9) Sections 44504 and 44505.
- 21 (10) Article 11 (commencing with Section 44660) of Chapter
- 22 3 of Part 25 of Division 3.
- 23 (11) Article 13 (commencing with Section 44670) of Chapter
- 24 3 of Part 25 of Division 3.
- 25 (12) Article 3 (commencing with Section 44930) of Chapter 4
- 26 of Part 25 of Division 3 and regulations in Title 5 of the California
- 27 Code of Regulations adopted pursuant to Article 3 (commencing
- 28 with Section 44930) of Chapter 4 of Part 25 of Division 3.
- 29 (13) Part 26 (commencing with Section 46000) of Division 4.
- 30 (14) Chapter 6 (commencing with Section 48900) and Chapter
- 31 6.5 (commencing with Section 49060) of Part 27 of Division 4.
- 32 (15) Section 51513.
- 33 (16) Section 52163.
- 34 (17) The identification and assessment criteria relating to any
- 35 categorical aid program, including Sections 52164.1 and 52164.6.
- 36 (18) Sections 52165, 52166, and 52178.
- 37 (19) Article 3 (commencing with Section 52850) of Chapter 12
- 38 of Part 28 of Division 4.

(20) Section 56364.1, except that this restriction shall not prohibit the state board from approving any waiver of Section 56364.2, relating to full inclusion.

(21) Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4, relating to the California Assessment of Student Performance and Progress (CAASPP), and any other provisions of Chapter 5 (commencing with Section 60600) of Part 33 of Division 4 that establish requirements for the CAASPP.

(b) Any waiver of provisions related to the programs identified in Section 52851 shall be granted only pursuant to Article 3 (commencing with Section 52850) of Chapter 12 of Part 28 of Division 4.

(c) The waiver of an advisory committee required by law shall be granted only pursuant to Article 4 (commencing with Section 52870) of Chapter 12 of Part 28 of Division 4.

(d) A request for a waiver submitted by the governing board of a school district or a county board of education pursuant to subdivision (a) shall include a written statement as to both of the following:

(1) Whether the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, participated in the development of the waiver.

(2) The exclusive representative's position regarding the waiver.

(e) A request for a waiver submitted pursuant to subdivision (a) relating to a regional occupational center or program established pursuant to Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of Division 4, which is operated by a joint powers entity established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, shall be submitted as a joint waiver request for each participating school district and shall meet both of the following conditions:

(1) Each joint waiver request shall comply with all of the requirements of this article.

(2) The submission of a joint waiver request shall be approved by a unanimous vote of the governing board of the joint powers agency.

~~SEC. 2. Section 33050.5 is added to the Education Code, to read:~~

1 ~~33050.5. (a) The state board shall not grant a waiver to the~~
2 ~~governing body of a charter school, or to the chartering authority~~
3 ~~of a charter school on behalf of the charter school, to waive the~~
4 ~~requirements of the best practices teacher evaluation system~~
5 ~~established pursuant to Article 11 (commencing with Section~~
6 ~~44660) of Chapter 3 of Part 25 of Division 3 or the school~~
7 ~~administrator evaluation system established pursuant to Article 13~~
8 ~~(commencing with Section 44670) of Chapter 3 of Part 25 of~~
9 ~~Division 3.~~

10 ~~(b) This section shall become operative on July 1, 2018.~~

11 ~~SEC. 3.~~

12 ~~SEC. 2.~~ Section 35161.5 is added to the Education Code, to
13 read:

14 35161.5. (a) The governing board of each school district, each
15 ~~district and each county board of education, and the governing~~
16 ~~body of each charter school~~ education shall establish standards of
17 expected pupil achievement at each grade level that it serves in
18 each area of study.

19 ~~(b) This section shall become operative on July 1, 2018.~~

20 ~~SEC. 4.~~

21 ~~SEC. 3.~~ Section 44660 of the Education Code is amended to
22 read:

23 44660. (a) It is the intent of the Legislature that governing
24 boards establish a uniform system of evaluation and assessment
25 of the performance of all certificated personnel within each school
26 district of the state, including schools conducted or maintained by
27 county superintendents of education. The system shall involve the
28 development and adoption by each school district of objective
29 evaluation and assessment guidelines that may, at the discretion
30 of the governing board of the school district, be uniform throughout
31 the school district or, for compelling reasons, be individually
32 developed for territories or schools within the school district,
33 provided that all certificated personnel of the school district shall
34 be subject to a system of evaluation and assessment adopted
35 pursuant to this article.

36 (b) This article does not apply to certificated personnel who are
37 employed on an hourly basis in adult education classes.

38 (c) This section shall become inoperative on July 1, 2018, and,
39 as of January 1, 2019, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2019, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 ~~SEC. 5.~~

4 *SEC. 4.* Section 44660 is added to the Education Code, to read:
5 44660. (a) The Legislature finds and declares all of the
6 following:

7 (1) Teaching is a professional endeavor, in which effective
8 practice is driven by an understanding of knowledge in the field
9 and a commitment to all pupils and their families.

10 (2) Excellent teaching requires knowledge, skills, artistry,
11 passion, and commitment.

12 (3) Effective teachers integrate ethical concern for children and
13 society, extensive subject matter competence, thoughtfully selected
14 pedagogical practices, and a depth of knowledge about their pupils,
15 including knowledge of child and adolescent development and
16 learning, an understanding of their individual strengths, interests,
17 and needs, and knowledge about their families and communities.

18 (4) Effective teachers share a common set of professional and
19 ethical obligations that includes a profound and fundamental
20 commitment to the growth and success of the individual pupils in
21 their care as well as to the strengthening and continual revitalization
22 of our democratic society.

23 (5) Certificated, noninstructional employees share the same
24 deep commitment to children, families, and communities, and they
25 provide essential support and administrative services to pupils and
26 teachers that enable pupils to succeed.

27 (b) The Legislature further finds and declares that because
28 teachers are the most important school-related factor for influencing
29 pupil academic success the primary purpose of an evaluation
30 system is to ensure that teachers meet the highest professional
31 standards of effective teaching, thereby resulting in high levels of
32 pupil learning.

33 (c) The Legislature further finds and declares that the attributes
34 of the best practices teacher evaluation system established pursuant
35 to this article are based on the California Standards for the
36 Teaching Profession adopted by the Commission on Teacher
37 Credentialing in October of 2009, and the system of evaluation
38 for school administrators established pursuant to Article 13
39 (commencing with Section 44670) is based on the California

1 Professional Standards for Educational Leaders adopted by the
2 Commission on Teacher Credentialing in February of 2014.

3 (d) This article does not apply to certificated personnel who are
4 employed on an hourly basis in adult education classes.

5 (e) This section shall become operative on July 1, 2018.

6 ~~SEC. 6.~~

7 *SEC. 5.* Section 44661 of the Education Code is amended to
8 read:

9 44661. (a) In the development and adoption of guidelines and
10 procedures pursuant to this article, the governing board of a school
11 district shall avail itself of the advice of the certificated
12 instructional personnel in the school district's organization of
13 certificated personnel.

14 (b) This section shall become inoperative on July 1, 2018, and,
15 as of January 1, 2019, is repealed, unless a later enacted statute,
16 that becomes operative on or before January 1, 2019, deletes or
17 extends the dates on which it becomes inoperative and is repealed.

18 ~~SEC. 7.~~

19 *SEC. 6.* Section 44661 is added to the Education Code, to read:

20 44661. (a) The governing board of each school district, each
21 district and each county board of education, and the governing
22 body of each charter school education shall adopt and implement
23 a best practices teacher evaluation system as set forth in this article.

24 (b) The best practices teacher evaluation system required to be
25 adopted pursuant to this article shall be locally negotiated pursuant
26 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
27 Title 1 of the Government Code. If the certificated employees of
28 a school district, district or county office of education, or charter
29 school education do not have an exclusive bargaining
30 representative, the governing board of the school district, district
31 or the county board of education, or the governing body of the
32 charter school, as applicable, shall adopt objective evaluation and
33 support components, as applicable, that are consistent with this
34 article.

35 (c) This section shall become operative on July 1, 2018.

36 ~~SEC. 8.~~

37 *SEC. 7.* Section 44661.5 of the Education Code is amended to
38 read:

39 44661.5. (a) When developing and adopting objective
40 evaluation and assessment guidelines pursuant to Section 44660,

1 a school district may, by mutual agreement between the exclusive
2 representative of the certificated employees of the school district
3 and the governing board of the school district, include any objective
4 standards from the National Board for Professional Teaching
5 Standards or any objective standards from the California Standards
6 for the Teaching Profession if the standards to be included are
7 consistent with this article. If the certificated employees of the
8 school district do not have an exclusive representative, the school
9 district may adopt objective evaluation and assessment guidelines
10 consistent with this section.

11 (b) This section shall become inoperative on July 1, 2018, and,
12 as of January 1, 2019, is repealed, unless a later enacted statute,
13 that becomes operative on or before January 1, 2019, deletes or
14 extends the dates on which it becomes inoperative and is repealed.

15 ~~SEC. 9.~~

16 *SEC. 8.* Section 44662 of the Education Code is amended to
17 read:

18 44662. (a) The governing board of each school district shall
19 establish standards of expected pupil achievement at each grade
20 level in each area of study.

21 (b) The governing board of each school district shall evaluate
22 and assess certificated employee performance as it reasonably
23 relates to:

24 (1) The progress of pupils toward the standards established
25 pursuant to subdivision (a) and, if applicable, the state adopted
26 academic content standards as measured by state adopted criterion
27 referenced assessments.

28 (2) The instructional techniques and strategies used by the
29 employee.

30 (3) The employee's adherence to curricular objectives.

31 (4) The establishment and maintenance of a suitable learning
32 environment, within the scope of the employee's responsibilities.

33 (c) The governing board of each school district shall establish
34 and define job responsibilities for certificated noninstructional
35 personnel, including, but not limited to, supervisory and
36 administrative personnel, whose responsibilities cannot be
37 evaluated appropriately under the provisions of subdivision (b)
38 and shall evaluate and assess the performance of those
39 noninstructional certificated employees as it reasonably relates to
40 the fulfillment of those responsibilities.

(d) Results of an employee's participation in the California Peer Assistance and Review Program for Teachers established by Article 4.5 (commencing with Section 44500) shall be made available as part of the evaluation conducted pursuant to this section.

(e) The evaluation and assessment of certificated employee performance pursuant to this section shall not include the use of publishers' norms established by standardized tests.

(f) Nothing in this section shall be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria.

(g) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 10.~~

SEC. 9. Section 44662 is added to the Education Code, to read:

44662. (a) A best practices teacher evaluation system shall include, but not be limited to, the following attributes:

(1) An evaluation of each teacher based on the degree to which he or she accomplishes the following objectives:

(A) Engages and supports all pupils in learning, evidence of which may include, but is not limited to, evidence of high expectations and active pupil engagement for each pupil.

(B) Creates and maintains effective environments for pupil learning, to the extent that those environments are within the teacher's control.

(C) Understands and organizes subject matter for pupil learning, evidence of which may include, but is not limited to, extensive subject matter, content standards, and curriculum competence.

(D) Plans instruction and designs learning experiences for all pupils, evidence of which may include, but is not limited to, use of differentiated instruction and practices based upon pupil progress and use of culturally responsive instruction, including, but not limited to, incorporation of multicultural information and content into the delivery of curriculum, to eliminate the achievement gap.

(E) Uses pupil assessment information to inform instruction and to improve learning, evidence of which shall include, but is not limited to, use of formative and summative assessments to adjust instructional practices to meet the needs of individual pupils.

1 For certificated employees who directly instruct English learner
2 pupils in acquiring English language fluency, the assessment
3 information shall include the results of assessments adopted
4 pursuant to Chapter 7 (commencing with Section 60810) of Part
5 33 of Division 4.

6 (F) Develops, as a professional educator, evidence of which
7 may include, but is not limited to, consistent and positive
8 relationships with pupils, parents, staff, and administrators, use of
9 collaborative professional practices for improving instructional
10 strategies, participation in identified professional growth
11 opportunities, and use of meaningful self-assessment to improve
12 as a professional educator.

13 (G) Contributes to pupil academic growth based on multiple
14 measures, as follows:

15 (i) Multiple measures shall include state and local formative
16 and summative assessments in the grade levels and subjects that
17 these assessments are—~~administered~~. *administered that are*
18 *applicable to the teaching assignment being evaluated.*

19 (ii) ~~Multiple~~ *As available and applicable for the grade level*
20 *and subject taught, multiple* measures ~~may~~ *shall also* include, but
21 are not limited to, classroom work, *other* local and state academic
22 assessments, and pupil grades, classroom participation,
23 presentations and performances, and projects and portfolios.

24 (iii) For certificated employees who directly instruct English
25 learner pupils in acquiring English, measures shall include the
26 degree to which pupils acquire the English language development
27 standards adopted pursuant to former Section 60811.3, as that
28 section read on June 30, 2013, or Section 60811.4, for the purpose
29 of improving a pupil's English proficiency.

30 (iv) Pupil data used for purposes of teacher evaluation shall be
31 confidential in the same manner as all other elements of a teacher's
32 personnel file.

33 (2) Multiple observations of instructional and other professional
34 practices that are conducted by evaluators who have been
35 appropriately trained and calibrated to ensure consistency and who
36 have demonstrated competence in teacher evaluation, as determined
37 by the school district.

38 (A) Multiple observations may include, but are not limited to,
39 classroom observations, one-on-one discussions, and review of
40 classroom materials and course of study.

1 (B) Observations shall be conducted using a uniform evaluation
2 tool that is appropriate to the teacher's assignment.

3 (C) Before each formal observation, the observer shall meet
4 with the teacher to discuss the purpose of the observation.

5 (D) After each formal observation, the observer shall meet with
6 the teacher to discuss recommendations, as necessary, with regard
7 to areas of improvement in the performance of the teacher.

8 (E) Nothing in this subdivision shall prohibit evaluators from
9 conducting unscheduled classroom visits.

10 (3) A minimum of three performance levels for the evaluation
11 of teacher performance for purposes of Section 44664.

12 (b) This section shall not be interpreted to prohibit a locally
13 negotiated evaluation process from designating certificated
14 employees to conduct, or participate in, evaluations of other
15 certificated employees for purposes of determining needs for
16 professional development or providing corrective advice for the
17 certificated employee being evaluated. A nonsupervisory
18 certificated employee who conducts, or participates in, an
19 evaluation pursuant to this article shall not be deemed to be
20 exercising a management or supervisory function as defined by
21 subdivision (g) or (m) of Section 3540.1 of the Government Code.

22 (c) This section shall not apply to certificated employees who
23 perform a management employee or supervisory employee
24 function, as defined in subdivision (g) or (m), respectively, of
25 Section 3540.1 of the Government Code.

26 (d) Notwithstanding any other law, a best practices teacher
27 evaluation system adopted pursuant to this article shall not omit
28 any of the attributes specified in this section.

29 (e) This section shall become operative on July 1, 2018.

30 ~~SEC. 11.~~

31 *SEC. 10.* Section 44662.1 is added to the Education Code, to
32 read:

33 44662.1. The state board, in consultation with the
34 Superintendent and appropriate education stakeholder groups, may
35 adopt nonregulatory guidance to support the implementation of a
36 best practices teacher evaluation system by school ~~districts, districts~~
37 ~~and county offices of education, and charter schools education~~
38 that may include all of the following:

39 (a) Model evaluation systems that may be used by school
40 ~~districts, districts and county offices of education, and charter~~

~~schools~~ *education* to implement the best practices teacher evaluation system pursuant to Sections 44661 and 44662, as added by Sections ~~7 6~~ and ~~40 9~~ of Assembly Bill 575 of the 2015–16 Regular Session.

(b) Model processes for implementing observations of instructional and other professional practices pursuant to paragraph (2) of subdivision (a) of Section 44662, as added by Section ~~40 9~~ of Assembly Bill 575 of the 2015–16 Regular Session.

(c) Model processes for defining calibration for purposes of training evaluators pursuant to paragraph (2) of subdivision (a) of Section 44662, as added by Section ~~40 9~~ of Assembly Bill 575 of the 2015–16 Regular Session.

(d) Model processes for developing the observation tool that may be used for observations of instructional and other professional practices pursuant to paragraph (2) of subdivision (a) of Section 44662, as added by Section ~~40 9~~ of Assembly Bill 575 of the 2015–16 Regular Session.

(e) Model processes for determining and defining the performance levels for the evaluation of teacher performance pursuant to paragraph (3) of subdivision (a) of Section 44662, as added by Section ~~40 9~~ of Assembly Bill 575 of the 2015–16 Regular Session.

~~SEC. 12.~~

SEC. 11. Section 44662.5 is added to the Education Code, to read:

44662.5. (a) The governing board of each school ~~district, each district and each~~ county board of ~~education, and the governing body of each charter school~~ *education* shall establish and define job responsibilities for certificated, noninstructional employees, including, but not limited to, supervisory and administrative personnel, whose responsibilities cannot be evaluated appropriately under the provisions of subdivision (a) of Section 44662. The governing board of each school ~~district, each district and each~~ county board of ~~education, and the governing body of each charter school~~ *education* shall provide for the evaluation and assessment of the performance of certificated, noninstructional employees as it reasonably relates to the fulfillment of those responsibilities.

(b) This section shall become operative on July 1, 2018.

1 ~~SEC. 13.~~

2 ~~SEC. 12.~~ Section 44662.6 is added to the Education Code, to
3 read:

4 44662.6. (a) (1) On or before May 1, 2016, or May 1 of the
5 year that precedes the year in which an existing collective
6 bargaining contract will expire, whichever is later, the governing
7 board of each school ~~district, each district and each~~ county board
8 of education, ~~and the governing body of each charter school,~~ at a
9 regularly scheduled public hearing, shall seek comment on the
10 development and implementation of the best practices teacher
11 evaluation system. The governing board of each school ~~district,~~
12 ~~each district and each~~ county board of education, ~~and the governing~~
13 ~~body of each charter school~~ *education* shall use the comments
14 received at the hearing to guide the development and
15 implementation of the best practices teacher evaluation system.

16 (2) On or before May 1 of each year before local negotiations
17 required pursuant to Chapter 10.7 (commencing with Section 3540)
18 of Division 4 of Title 1 of the Government Code, the governing
19 board of each school ~~district, each district and each~~ county board
20 of education, ~~and the governing body of each charter school~~
21 *education* shall seek comment on the best practices teacher
22 evaluation system. The governing board of each school ~~district,~~
23 ~~each district and each~~ county board of education, ~~and the governing~~
24 ~~body of each charter school~~ *education* shall also seek public
25 comment on the best practices teacher evaluation system both
26 during local negotiations and before the final agreement of local
27 negotiations.

28 (3) If, by mutual agreement between a school ~~district, district~~
29 ~~or county office of education, or charter school~~ *education* and the
30 collective bargaining unit, an intermediate mid-year agreement is
31 reached regarding a best practices teacher evaluation system, the
32 negotiation timeline shall allow time for the governing board of
33 the school ~~district, each district or the~~ county board of education,
34 ~~or the governing body of the charter school~~ *education* to hold a
35 public hearing to seek comment on the best practices teacher
36 evaluation system.

37 (b) Consistent with Section 3547 of the Government Code and
38 no more than 30 days after the local negotiations required pursuant
39 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
40 Title 1 of the Government Code, the governing board of each

1 ~~school district, each district and each county board of education,~~
2 ~~and the governing body of each charter school~~ *education* shall
3 disclose the provisions of the best practices teacher evaluation
4 system at a regularly scheduled public hearing.

5 (c) This section shall also apply to the school administrator
6 evaluation program established pursuant to Article 13 (commencing
7 with Section 44670), as added by Section ~~17~~ 16 of the act adding
8 this section.

9 ~~SEC. 14.~~

10 *SEC. 13.* Section 44662.7 is added to the Education Code, to
11 read:

12 44662.7. (a) This article does not supersede or invalidate a
13 teacher evaluation system that is locally negotiated pursuant to
14 Chapter 10.7 (commencing with Section 3540) of Division 4 of
15 Title 1 of the Government Code and that is in effect at the time
16 this section becomes operative. If a locally negotiated teacher
17 evaluation system is in effect at the time this section becomes
18 operative, the teacher evaluation system shall remain in effect until
19 the parties to the agreement negotiate a successor agreement. A
20 memorandum of understanding shall not extend the adoption of a
21 locally negotiated teacher evaluation system that is in effect at the
22 time this section becomes operative.

23 (b) This section shall become operative on July 1, 2018.

24 ~~SEC. 15.~~

25 *SEC. 14.* Section 44664 of the Education Code is amended to
26 read:

27 44664. (a) Evaluation and assessment of the performance of
28 each certificated employee shall be made on a continuing basis as
29 follows:

30 (1) At least once each school year for probationary personnel.

31 (2) At least every other year for personnel with permanent status.

32 (3) At least every five years for personnel with permanent status
33 who have been employed at least 10 years with the school district,
34 are highly qualified, if those personnel occupy positions that are
35 required to be filled by a highly qualified professional by the
36 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
37 et seq.), as defined in Section 7801 of Title 20 of the United States
38 Code, and whose previous evaluation rated the employee as
39 meeting or exceeding standards, if the evaluator and certificated

1 employee being evaluated agree. The certificated employee or the
2 evaluator may withdraw consent at any time.

3 (b) The evaluation shall include recommendations, if necessary,
4 as to areas of improvement in the performance of the certificated
5 employee.

6 (1) If an employee is not performing his or her duties in a
7 satisfactory manner according to the standards prescribed by the
8 governing board of the school district, the employing authority
9 shall notify the employee in writing of that fact and describe the
10 unsatisfactory performance.

11 (2) The employing authority shall thereafter confer with the
12 employee making specific recommendations as to areas of
13 improvement in the employee's performance and endeavor to assist
14 the employee in his or her performance.

15 (3) If a permanent certificated employee has received an
16 unsatisfactory evaluation, the employing authority shall annually
17 evaluate the employee until the employee achieves a positive
18 evaluation or is separated from the school district.

19 (c) (1) An evaluation performed pursuant to this article that
20 contains an unsatisfactory rating of a certificated employee's
21 performance in the area of teaching methods or instruction may
22 include the requirement that the certificated employee shall, as
23 determined necessary by the employing authority, participate in a
24 program designed to improve appropriate areas of the employee's
25 performance and to further pupil achievement and the instructional
26 objectives of the employing authority.

27 (2) If a school district participates in the California Peer
28 Assistance and Review Program for Teachers established pursuant
29 to Article 4.5 (commencing with Section 44500), a certificated
30 employee who receives an unsatisfactory rating on an evaluation
31 performed pursuant to this section shall participate in the California
32 Peer Assistance and Review Program for Teachers.

33 (d) Hourly and temporary hourly certificated employees, other
34 than those employed in adult education classes who are excluded
35 by the provisions of Section 44660, and substitute teachers may
36 be excluded from the provisions of this section at the discretion
37 of the governing board of the school district.

38 (e) This section shall become inoperative on July 1, 2018, and,
39 as of January 1, 2019, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2019, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 ~~SEC. 16.~~

4 *SEC. 15.* Section 44664 is added to the Education Code, to
5 read:

6 44664. (a) Evaluation and assessment of the performance of
7 each certificated employee shall be made on a continuing basis as
8 follows:

9 (1) At least once each school year for probationary personnel.

10 (2) At least every other year for personnel with permanent status.

11 (3) (A) Except as may be provided in the best practices teacher
12 evaluation system locally negotiated pursuant to subdivision (b)
13 of Section 44661, at least every three years for personnel with
14 permanent status who have been employed at least 10 years with
15 the school ~~district, district or~~ county office of education, ~~or charter~~
16 ~~school~~, are highly qualified, if those personnel occupy positions
17 that are required to be filled by a highly qualified professional by
18 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
19 et seq.), as defined in Section 7801 of Title 20 of the United States
20 Code, and whose previous evaluation rated the employee as
21 meeting or exceeding standards, if the evaluator and certificated
22 employee being evaluated agree. The certificated employee or the
23 evaluator may withdraw consent at any time.

24 (B) The evaluator shall conduct at least one unscheduled
25 observation per year during a year when the certificated employee
26 does not receive a formal performance evaluation and assessment.

27 (b) The evaluation shall include recommendations, if necessary,
28 as to areas of improvement in the performance of the certificated
29 employee.

30 (1) If an employee is not performing his or her duties in a
31 satisfactory manner according to the standards prescribed by the
32 governing board of the school ~~district, district or~~ the county board
33 of education, ~~or the governing body of the charter school~~, the
34 employing authority shall notify the employee in writing of that
35 fact and describe the unsatisfactory performance.

36 (2) The employing authority shall thereafter confer with the
37 employee making specific recommendations as to areas of
38 improvement in the employee's performance and endeavor to assist
39 the employee in his or her performance.

1 (3) If a permanent certificated employee has received an
2 unsatisfactory evaluation, the employing authority shall annually
3 evaluate the employee until the employee achieves a positive
4 evaluation or is separated from the school ~~district, district or county~~
5 office of education, or charter school. *education.*

6 (c) (1) An evaluation performed pursuant to this article that
7 contains an unsatisfactory rating of a permanent certificated
8 employee's performance in the area of teaching methods or
9 instruction may include the requirement that the certificated
10 employee shall, as determined necessary by the employing
11 authority, participate in a program designed to improve appropriate
12 areas of the employee's performance and to further pupil
13 achievement and the instructional objectives of the employing
14 authority.

15 (2) For an evaluation performed pursuant to this article that
16 contains an unsatisfactory rating of a probationary certificated
17 employee's performance in the area of teaching methods or
18 instruction, the employing authority may elect to offer a program
19 designed to improve appropriate areas of the probationary
20 certificated employee's performance and to further pupil
21 achievement and the instructional objectives of the employing
22 authority.

23 (3) If a school ~~district, district or county office of education, or~~
24 ~~charter school~~ *education* participates in the California Peer
25 Assistance and Review Program for Teachers established pursuant
26 to Article 4.5 (commencing with Section 44500), a certificated
27 employee of that school district or ~~charter school~~ *county office of*
28 *education* who receives an unsatisfactory rating on an evaluation
29 performed pursuant to this section shall participate in the California
30 Peer Assistance and Review Program for Teachers.

31 (d) Hourly and temporary hourly certificated employees, other
32 than those employed in adult education classes who are excluded
33 by the provisions of Section 44660, and substitute teachers may
34 be excluded from the provisions of this section at the discretion
35 of the governing board of the school ~~district or the governing body~~
36 ~~of the charter school.~~ *district or the county board of education.*

37 (e) This section shall become operative on July 1, 2018.

~~SEC. 17.~~

SEC. 16. Article 13 (commencing with Section 44670) is added to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, to read:

Article 13. Administrator Evaluations

44670. (a) The governing board of each school district, each district and each county board of education, and the governing body of each charter school education shall establish a system of evaluation for school administrators to guide their growth and performance with the purpose of supporting them as instructional leaders in order to raise pupil achievement. The evaluation system shall include, but not be limited to, all of the following attributes:

(1) Promoting the success of all pupils by facilitating the development and implementation of a vision of pupil learning, including, but not limited to, communicating with parents, pupils, and the community regarding the importance of a standards-based education and high expectations for all pupils.

(2) Advocating and supporting a safe, nurturing school culture that sustains a quality instructional program conducive to pupil learning and staff professional growth, including, but not limited to, all of the following:

(A) Promoting equity, fairness, and respect among staff, pupils, and members of the school community with acknowledgment of the role cultural attributes have in pupil learning.

(B) Supporting professional development opportunities for staff that encourage collaboration and effective instructional practice with the goal of improving outcomes for all pupils.

(3) Ensuring the management, organization, and operation of a safe and successful learning environment, as evidenced by the establishment of effective practices for personnel and resource management, campus safety, and school climate, including, but not limited to, supporting curricular and management leadership in all of these areas and successfully implementing a best practices teacher evaluation system established pursuant to Sections 44661 and 44662, as added by Sections 7 6 and 10 9 of the act adding this section.

(4) Collaborating with parents and the community to establish an inclusive school environment, including, but not limited to,

embracing and recognizing that diversity strengthens a learning environment and promotes meaningful parent and community engagement, as required by Section 52062 for the development of the local control and accountability plan established pursuant to Section 52060.

(5) (A) Providing ethical and professional leadership that fosters effective instructional practice as evidenced by promoting quality teaching and instructional strategies and provides relevant, effective feedback that leads to pupil learning. School administrators shall be held accountable for the academic growth of pupils over time and academic growth shall be based on multiple measures that may include pupil work as well as pupil and school longitudinal data.

(B) Multiple measures shall include state and local formative and summative assessments. For school administrators who supervise certificated staff that directly instruct English learner pupils acquiring English, assessment information shall include the results of assessments adopted pursuant to Chapter 7 (commencing with Section 60810) of Part 33 of Division 4.

(C) Multiple measures may include, but are not limited to, benchmark, end-of-chapter, end-of-course, advanced placement, international baccalaureate, college entrance, or performance assessments.

(D) Pupil data used for purposes of an administrator evaluation shall be confidential in the same manner as all other elements of an administrator's personnel file.

(6) Providing professional leadership by understanding, responding, and influencing the larger social, political, cultural, and legal context with the goal of ensuring pupil success, as evidenced by working in collaboration with the governing board of the school ~~district~~, *district or* the county board of education, ~~or the governing body of the charter school~~, bargaining units, and local school, school district or county office of education, and community leaders.

(b) The governing board of the school ~~district~~, *district and the county board of education, and the governing body of the charter school* education shall identify who will conduct the evaluation of each school administrator.

(1) A school administrator shall be evaluated annually for the first and second year of employment as a new administrator in a

1 ~~school district, district or county office of education, or charter~~
2 ~~school. education.~~ The governing board of the school district,
3 ~~district or the county board of education, or the governing body~~
4 ~~of the charter school education~~ may determine the frequency at
5 regular intervals of evaluations after this period.

6 (2) Additional evaluations that occur outside of the regular
7 intervals determined by the governing board of the school district,
8 ~~district or the county board of education, or the governing body~~
9 ~~of the charter school education~~ shall be agreed upon between the
10 evaluator and the administrator.

11 (3) Evaluators and administrators shall review school success
12 and progress throughout the year. This review should include goals
13 that are defined by the school district, ~~district or the county office~~
14 ~~of education, or the governing body of the charter school,~~
15 including, but not limited to, the goals specified in the local control
16 and accountability plan approved by the governing board of the
17 school district pursuant to Section 52060 or by the county board
18 of education pursuant to Section 52066, ~~or identified in the charter~~
19 ~~school's petition pursuant to clause (ii) of subparagraph (A) of~~
20 ~~paragraph (5) of subdivision (b) of Section 47605. 52066.~~

21 (c) Notwithstanding any other law, a school administrator
22 evaluation system adopted pursuant to this article shall not omit
23 any of the attributes specified in this section.

24 (d) This article shall become operative on July 1, 2018.

25 ~~SEC. 18.~~

26 *SEC. 17.* Section 44672 is added to the Education Code, to
27 read:

28 44672. This article shall become inoperative on July 1, 2018,
29 and, as of January 1, 2019, is repealed, unless a later enacted
30 statute, that becomes operative on or before January 1, 2019,
31 deletes or extends the dates on which it becomes inoperative and
32 is repealed.

33 ~~SEC. 19.~~

34 *SEC. 18.* Section 17581.6 of the Government Code is amended
35 to read:

36 17581.6. (a) Funding apportioned pursuant to this section shall
37 constitute reimbursement pursuant to Section 6 of Article XIII B
38 of the California Constitution for the performance of any state
39 mandates included in the statutes and executive orders identified
40 in subdivision (e).

1 (b) Any school district, county office of education, or charter
2 school may elect to receive block grant funding pursuant to this
3 section.

4 (c) (1) A school district, county office of education, or charter
5 school that elects to receive block grant funding pursuant to this
6 section in a given fiscal year shall submit a letter requesting
7 funding to the Superintendent of Public Instruction on or before
8 August 30 of that fiscal year.

9 (2) The Superintendent of Public Instruction shall, in the month
10 of November of each year, apportion block grant funding
11 appropriated pursuant to Item 6110-296-0001 of Section 2.00 of
12 the annual Budget Act to all school districts, county offices of
13 education, and charter schools that submitted letters requesting
14 funding in that fiscal year according to the provisions of that item.

15 (3) A school district or county office of education that receives
16 block grant funding pursuant to this section shall not be eligible
17 to submit claims to the Controller for reimbursement pursuant to
18 Section 17560 for any costs of any state mandates included in the
19 statutes and executive orders identified in subdivision (e) incurred
20 in the same fiscal year during which the school district or county
21 office of education received funding pursuant to this section.

22 (d) Block grant funding apportioned pursuant to this section is
23 subject to annual financial and compliance audits required by
24 Section 41020 of the Education Code.

25 (e) Block grant funding apportioned pursuant to this section is
26 specifically intended to fund the costs of the following programs
27 and activities:

28 (1) Academic Performance Index (01-TC-22; Chapter 3 of the
29 Statutes of 1999, First Extraordinary Session; and Chapter 695 of
30 the Statutes of 2000).

31 (2) Agency Fee Arrangements (00-TC-17 and 01-TC-14;
32 Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes
33 of 2001).

34 (3) AIDS Instruction and AIDS Prevention Instruction (CSM
35 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of
36 1991; and Chapter 403 of the Statutes of 1998).

37 (4) California State Teachers' Retirement System (CalSTRS)
38 Service Credit (02-TC-19; Chapter 603 of the Statutes of 1994;
39 Chapters 383, 634, and 680 of the Statutes of 1996; Chapter 838
40 of the Statutes of 1997; Chapter 965 of the Statutes of 1998;

Chapter 939 of the Statutes of 1999; and Chapter 1021 of the Statutes of 2000).

(5) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes of 1994).

(6) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(7) Charter Schools IV (03-TC-03; Chapter 1058 of the Statutes of 2002).

(8) Child Abuse and Neglect Reporting (01-TC-21; Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001).

(9) Collective Bargaining (CSM 4425; Chapter 961 of the Statutes of 1975).

(10) Comprehensive School Safety Plans (98-TC-01 and 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of the Statutes of 1999; and Chapter 828 of the Statutes of 2003).

(11) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (CSM 4488, CSM 4461, 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469 of the Statutes of 1981; Chapter 459 of the Statutes of 1985; Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988; Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997; Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the Statutes of 1999, First Extraordinary Session; Chapter 73 of the Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

(12) Consolidation of Law Enforcement Agency Notification and Missing Children Reports (CSM 4505; Chapter 1117 of the Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of 1986; and Chapter 832 of the Statutes of 1999).

- 1 (13) Consolidation of Notification to Teachers: Pupils Subject
2 to Suspension or Expulsion I and II, and Pupil Discipline Records
3 (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).
- 4 (14) County Office of Education Fiscal Accountability Reporting
5 (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987;
6 Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of
7 the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter
8 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes
9 of 1993; Chapters 650 and 1002 of the Statutes of 1994; and
10 Chapter 525 of the Statutes of 1995).
- 11 (15) Criminal Background Checks (97-TC-16; Chapters 588
12 and 589 of the Statutes of 1997).
- 13 (16) Criminal Background Checks II (00-TC-05; Chapters 594
14 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of
15 1999).
- 16 (17) Developer Fees (02-TC-42; Chapter 955 of the Statutes of
17 1977; Chapter 282 of the Statutes of 1979; Chapter 1354 of the
18 Statutes of 1980; Chapter 201 of the Statutes of 1981; Chapter 923
19 of the Statutes of 1982; Chapter 1254 of the Statutes of 1983;
20 Chapter 1062 of the Statutes of 1984; Chapter 1498 of the Statutes
21 of 1985; Chapters 136 and 887 of the Statutes of 1986; and Chapter
22 1228 of the Statutes of 1994).
- 23 (18) Differential Pay and Reemployment (99-TC-02; Chapter
24 30 of the Statutes of 1998).
- 25 (19) Expulsion of Pupil: Transcript Cost for Appeals (SMAS;
26 Chapter 1253 of the Statutes of 1975).
- 27 (20) Financial and Compliance Audits (CSM 4498 and CSM
28 4498-A; Chapter 36 of the Statutes of 1977).
- 29 (21) Graduation Requirements (CSM 4181; Chapter 498 of the
30 Statutes of 1983).
- 31 (22) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter
32 1184 of the Statutes of 1975).
- 33 (23) High School Exit Examination (00-TC-06; Chapter 1 of
34 the Statutes of 1999, First Extraordinary Session; and Chapter 135
35 of the Statutes of 1999).
- 36 (24) Immunization Records (SB 90-120; Chapter 1176 of the
37 Statutes of 1977).
- 38 (25) Immunization Records—Hepatitis B (98-TC-05; Chapter
39 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979;
40 Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes

1 of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of
2 the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995;
3 Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882
4 of the Statutes of 1997).

5 (26) Interdistrict Attendance Permits (CSM 4442; Chapters 172
6 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of
7 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the
8 Statutes of 1992).

9 (27) Intradistrict Attendance (CSM 4454; Chapters 161 and 915
10 of the Statutes of 1993).

11 (28) Juvenile Court Notices II (CSM 4475; Chapters 1011 and
12 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994;
13 and Chapter 71 of the Statutes of 1995).

14 (29) Notification of Truancy (CSM 4133; Chapter 498 of the
15 Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter
16 19 of the Statutes of 1995).

17 (30) Parental Involvement Programs (03-TC-16; Chapter 1400
18 of the Statutes of 1990; Chapters 864 and 1031 of the Statutes of
19 1998; and Chapter 1037 of the Statutes of 2002).

20 (31) Physical Performance Tests (96-365-01; Chapter 975 of
21 the Statutes of 1995).

22 (32) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the
23 Statutes of 1978).

24 (33) Public Contracts (02-TC-35; Chapter 1073 of the Statutes
25 of 1985; Chapter 1408 of the Statutes of 1988; Chapter 330 of the
26 Statutes of 1989; Chapter 1414 of the Statutes of 1990; Chapter
27 321 of the Statutes of 1990; Chapter 799 of the Statutes of 1992;
28 and Chapter 726 of the Statutes of 1994).

29 (34) Pupil Health Screenings (CSM 4440; Chapter 1208 of the
30 Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter
31 750 of the Statutes of 1992).

32 (35) Pupil Promotion and Retention (98-TC-19; Chapter 100
33 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982;
34 Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes
35 of 1990; and Chapters 742 and 743 of the Statutes of 1998).

36 (36) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes
37 of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the
38 Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332
39 of the Statutes of 1986; Chapter 445 of the Statutes of 1992;
40 Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes

1 of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of
2 the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

3 (37) Pupil Expulsions (CSM 4455; Chapter 1253 of the Statutes
4 of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the
5 Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498
6 of the Statutes of 1983; Chapter 622 of the Statutes of 1984;
7 Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes
8 of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256,
9 and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes
10 of 1994).

11 (38) Pupil Expulsion Appeals (CSM 4463; Chapter 1253 of the
12 Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668
13 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

14 (39) Pupil Suspensions (CSM 4456; Chapter 965 of the Statutes
15 of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the
16 Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856
17 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987).

18 (40) School Accountability Report Cards (97-TC-21, 00-TC-09,
19 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997;
20 Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes
21 of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the
22 Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

23 (41) School District Fiscal Accountability Reporting (97-TC-19;
24 Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes
25 of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and
26 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the
27 Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter
28 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992;
29 Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and
30 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of
31 1995).

32 (42) School District Reorganization (98-TC-24; Chapter 1192
33 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

34 (43) Student Records (02-TC-34; Chapter 593 of the Statutes
35 of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the
36 Statutes of 1998; and Chapter 67 of the Statutes of 2000).

37 (44) The Stull Act (98-TC-25; Chapter 498 of the Statutes of
38 1983; and Chapter 4 of the Statutes of 1999).

1 (45) Threats Against Peace Officers (CSM 96-365-02; Chapter
2 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of
3 1995).

4 (46) Uniform Complaint Procedures (03-TC-02; Chapter 1117
5 of the Statutes of 1982; Chapter 1514 of the Statutes 1988; and
6 Chapter 914 of the Statutes of 1998).

7 (47) Williams Case Implementation I, II, and III (05-TC-04,
8 07-TC-06, and 08-TC-01; Chapters 900, 902, and 903 of the
9 Statutes of 2004; Chapter 118 of the Statutes of 2005; Chapter 704
10 of the Statutes of 2006; and Chapter 526 of the Statutes of 2007).

11 (48) Pupil Expulsions II, Pupil Suspensions II, and Educational
12 Services Plan for Expelled Pupils (96-358-03, 03A, 98-TC-22,
13 01-TC-18, 98-TC-23, 97-TC-09; Chapters 972 and 974 of the
14 Statutes of 1995; Chapters 915, 937, and 1052 of the Statutes of
15 1996; Chapter 637 of the Statutes of 1997; Chapter 498 of the
16 Statutes of 1998; Chapter 332 of the Statutes of 1999; Chapter 147
17 of the Statutes of 2000; and Chapter 116 of the Statutes of 2001).

18 (f) Notwithstanding Section 10231.5, on or before November
19 1 of each fiscal year, the Superintendent of Public Instruction shall
20 produce a report that indicates the total amount of block grant
21 funding each school district, county office of education, and charter
22 school received in that fiscal year pursuant to this section. The
23 Superintendent of Public Instruction shall provide this report to
24 the appropriate fiscal and policy committees of the Legislature,
25 the Controller, the Department of Finance, and the Legislative
26 Analyst's Office.

27 (g) This section shall become inoperative on July 1, 2018, and,
28 as of January 1, 2019, is repealed, unless a later enacted statute,
29 that becomes operative on or before January 1, 2019, deletes or
30 extends the dates on which it becomes inoperative and is repealed.

31 ~~SEC. 20.~~

32 *SEC. 19.* Section 17581.6 is added to the Government Code,
33 to read:

34 17581.6. (a) Funding apportioned pursuant to this section shall
35 constitute reimbursement pursuant to Section 6 of Article XIII B
36 of the California Constitution for the performance of any state
37 mandates included in the statutes and executive orders identified
38 in subdivision (e).

1 (b) Any school district, county office of education, or charter
2 school may elect to receive block grant funding pursuant to this
3 section.

4 (c) (1) A school district, county office of education, or charter
5 school that elects to receive block grant funding pursuant to this
6 section in a given fiscal year shall submit a letter requesting
7 funding to the Superintendent of Public Instruction on or before
8 August 30 of that fiscal year.

9 (2) The Superintendent of Public Instruction shall, in the month
10 of November of each year, apportion block grant funding
11 appropriated pursuant to Item 6110-296-0001 of Section 2.00 of
12 the annual Budget Act to all school districts, county offices of
13 education, and charter schools that submitted letters requesting
14 funding in that fiscal year according to the provisions of that item.

15 (3) A school district or county office of education that receives
16 block grant funding pursuant to this section shall not be eligible
17 to submit claims to the Controller for reimbursement pursuant to
18 Section 17560 for any costs of any state mandates included in the
19 statutes and executive orders identified in subdivision (e) incurred
20 in the same fiscal year during which the school district or county
21 office of education received funding pursuant to this section.

22 (d) Block grant funding apportioned pursuant to this section is
23 subject to annual financial and compliance audits required by
24 Section 41020 of the Education Code.

25 (e) Block grant funding apportioned pursuant to this section is
26 specifically intended to fund the costs of the following programs
27 and activities:

28 (1) Academic Performance Index (01-TC-22; Chapter 3 of the
29 Statutes of 1999, First Extraordinary Session; and Chapter 695 of
30 the Statutes of 2000).

31 (2) Agency Fee Arrangements (00-TC-17 and 01-TC-14;
32 Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes
33 of 2001).

34 (3) AIDS Instruction and AIDS Prevention Instruction (CSM
35 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of
36 1991; and Chapter 403 of the Statutes of 1998).

37 (4) California State Teachers' Retirement System (CalSTRS)
38 Service Credit (02-TC-19; Chapter 603 of the Statutes of 1994;
39 Chapters 383, 634, and 680 of the Statutes of 1996; Chapter 838
40 of the Statutes of 1997; Chapter 965 of the Statutes of 1998;

Chapter 939 of the Statutes of 1999; and Chapter 1021 of the Statutes of 2000).

(5) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes of 1994).

(6) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(7) Charter Schools IV (03-TC-03; Chapter 1058 of the Statutes of 2002).

(8) Child Abuse and Neglect Reporting (01-TC-21; Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001).

(9) Collective Bargaining (CSM 4425; Chapter 961 of the Statutes of 1975).

(10) Comprehensive School Safety Plans (98-TC-01 and 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of the Statutes of 1999; and Chapter 828 of the Statutes of 2003).

(11) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (CSM 4488, CSM 4461, 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469 of the Statutes of 1981; Chapter 459 of the Statutes of 1985; Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988; Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997; Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the Statutes of 1999, First Extraordinary Session; Chapter 73 of the Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

(12) Consolidation of Law Enforcement Agency Notification and Missing Children Reports (CSM 4505; Chapter 1117 of the Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of 1986; and Chapter 832 of the Statutes of 1999).

- 1 (13) Consolidation of Notification to Teachers: Pupils Subject
2 to Suspension or Expulsion I and II, and Pupil Discipline Records
3 (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).
- 4 (14) County Office of Education Fiscal Accountability Reporting
5 (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987;
6 Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of
7 the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter
8 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes
9 of 1993; Chapters 650 and 1002 of the Statutes of 1994; and
10 Chapter 525 of the Statutes of 1995).
- 11 (15) Criminal Background Checks (97-TC-16; Chapters 588
12 and 589 of the Statutes of 1997).
- 13 (16) Criminal Background Checks II (00-TC-05; Chapters 594
14 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of
15 1999).
- 16 (17) Developer Fees (02-TC-42; Chapter 955 of the Statutes of
17 1977; Chapter 282 of the Statutes of 1979; Chapter 1354 of the
18 Statutes of 1980; Chapter 201 of the Statutes of 1981; Chapter 923
19 of the Statutes of 1982; Chapter 1254 of the Statutes of 1983;
20 Chapter 1062 of the Statutes of 1984; Chapter 1498 of the Statutes
21 of 1985; Chapters 136 and 887 of the Statutes of 1986; and Chapter
22 1228 of the Statutes of 1994).
- 23 (18) Differential Pay and Reemployment (99-TC-02; Chapter
24 30 of the Statutes of 1998).
- 25 (19) Expulsion of Pupil: Transcript Cost for Appeals (SMAS;
26 Chapter 1253 of the Statutes of 1975).
- 27 (20) Financial and Compliance Audits (CSM 4498 and CSM
28 4498-A; Chapter 36 of the Statutes of 1977).
- 29 (21) Graduation Requirements (CSM 4181; Chapter 498 of the
30 Statutes of 1983).
- 31 (22) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter
32 1184 of the Statutes of 1975).
- 33 (23) High School Exit Examination (00-TC-06; Chapter 1 of
34 the Statutes of 1999, First Extraordinary Session; and Chapter 135
35 of the Statutes of 1999).
- 36 (24) Immunization Records (SB 90-120; Chapter 1176 of the
37 Statutes of 1977).
- 38 (25) Immunization Records—Hepatitis B (98-TC-05; Chapter
39 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979;
40 Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes

1 of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of
2 the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995;
3 Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882
4 of the Statutes of 1997).

5 (26) Interdistrict Attendance Permits (CSM 4442; Chapters 172
6 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of
7 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the
8 Statutes of 1992).

9 (27) Intradistrict Attendance (CSM 4454; Chapters 161 and 915
10 of the Statutes of 1993).

11 (28) Juvenile Court Notices II (CSM 4475; Chapters 1011 and
12 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994;
13 and Chapter 71 of the Statutes of 1995).

14 (29) Notification of Truancy (CSM 4133; Chapter 498 of the
15 Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter
16 19 of the Statutes of 1995).

17 (30) Parental Involvement Programs (03-TC-16; Chapter 1400
18 of the Statutes of 1990; Chapters 864 and 1031 of the Statutes of
19 1998; and Chapter 1037 of the Statutes of 2002).

20 (31) Physical Performance Tests (96-365-01; Chapter 975 of
21 the Statutes of 1995).

22 (32) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the
23 Statutes of 1978).

24 (33) Public Contracts (02-TC-35; Chapter 1073 of the Statutes
25 of 1985; Chapter 1408 of the Statutes of 1988; Chapter 330 of the
26 Statutes of 1989; Chapter 1414 of the Statutes of 1990; Chapter
27 321 of the Statutes of 1990; Chapter 799 of the Statutes of 1992;
28 and Chapter 726 of the Statutes of 1994).

29 (34) Pupil Health Screenings (CSM 4440; Chapter 1208 of the
30 Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter
31 750 of the Statutes of 1992).

32 (35) Pupil Promotion and Retention (98-TC-19; Chapter 100
33 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982;
34 Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes
35 of 1990; and Chapters 742 and 743 of the Statutes of 1998).

36 (36) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes
37 of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the
38 Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332
39 of the Statutes of 1986; Chapter 445 of the Statutes of 1992;
40 Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes

1 of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of
2 the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

3 (37) Pupil Expulsions (CSM 4455; Chapter 1253 of the Statutes
4 of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the
5 Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498
6 of the Statutes of 1983; Chapter 622 of the Statutes of 1984;
7 Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes
8 of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256,
9 and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes
10 of 1994).

11 (38) Pupil Expulsion Appeals (CSM 4463; Chapter 1253 of the
12 Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668
13 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

14 (39) Pupil Suspensions (CSM 4456; Chapter 965 of the Statutes
15 of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the
16 Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856
17 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987).

18 (40) School Accountability Report Cards (97-TC-21, 00-TC-09,
19 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997;
20 Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes
21 of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the
22 Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

23 (41) School District Fiscal Accountability Reporting (97-TC-19;
24 Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes
25 of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and
26 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the
27 Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter
28 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992;
29 Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and
30 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of
31 1995).

32 (42) School District Reorganization (98-TC-24; Chapter 1192
33 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

34 (43) Student Records (02-TC-34; Chapter 593 of the Statutes
35 of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the
36 Statutes of 1998; and Chapter 67 of the Statutes of 2000).

37 (44) The best practices teacher evaluation system described in
38 Sections 44661 and 44662 of the Education Code.

39 (45) The school administrator evaluation system described in
40 Section 44670 of the Education Code.

1 (46) The Stull Act (98-TC-25; Chapter 498 of the Statutes of
2 1983; and Chapter 4 of the Statutes of 1999).

3 (47) Threats Against Peace Officers (CSM 96-365-02; Chapter
4 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of
5 1995).

6 (48) Uniform Complaint Procedures (03-TC-02; Chapter 1117
7 of the Statutes of 1982; Chapter 1514 of the Statutes 1988; and
8 Chapter 914 of the Statutes of 1998).

9 (49) Williams Case Implementation I, II, and III (05-TC-04,
10 07-TC-06, and 08-TC-01; Chapters 900, 902, and 903 of the
11 Statutes of 2004; Chapter 118 of the Statutes of 2005; Chapter 704
12 of the Statutes of 2006; and Chapter 526 of the Statutes of 2007).

13 (50) Pupil Expulsions II, Pupil Suspensions II, and Educational
14 Services Plan for Expelled Pupils (96-358-03, 03A, 98-TC-22,
15 01-TC-18, 98-TC-23, 97-TC-09; Chapters 972 and 974 of the
16 Statutes of 1995; Chapters 915, 937, and 1052 of the Statutes of
17 1996; Chapter 637 of the Statutes of 1997; Chapter 498 of the
18 Statutes of 1998; Chapter 332 of the Statutes of 1999; Chapter 147
19 of the Statutes of 2000; and Chapter 116 of the Statutes of 2001).

20 (f) Notwithstanding Section 10231.5, on or before November
21 1 of each fiscal year, the Superintendent of Public Instruction shall
22 produce a report that indicates the total amount of block grant
23 funding each school district, county office of education, and charter
24 school received in that fiscal year pursuant to this section. The
25 Superintendent of Public Instruction shall provide this report to
26 the appropriate fiscal and policy committees of the Legislature,
27 the Controller, the Department of Finance, and the Legislative
28 Analyst's Office.

29 (g) This section shall become operative on July 1, 2018.

30 ~~SEC. 21.~~

31 *SEC. 20.* It is the intent of the Legislature to provide adequate
32 resources to train evaluators, continue robust beginning teacher
33 induction programs, and support struggling educators.

34 ~~SEC. 22.~~

35 *SEC. 21.* If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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